

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

JESSE L. YOUNGBLOOD,

Plaintiff,

vs.

THE PEOPLE, et al.,

Defendants.

No. C 11-4064 PJH (PR)

**ORDER CERTIFYING
APPEAL AS TAKEN IN
BAD FAITH**

This is a civil rights case filed pro se by a state prisoner. The court granted defendants' motion for summary judgment. Plaintiff has appealed. The United States Court of Appeals for the Ninth Circuit has issued a limited remand to this court for a determination whether plaintiff's in forma pauperis status should be revoked.

Rule 24(a)(3) of the Federal Rules of Appellate Procedure provides that a party granted leave to proceed in forma pauperis in district court may continue in that status on appeal unless the district court certifies that the appeal is not taken in good faith. Section 1915(a)(3) of Title 28 of the United States Code similarly provides that an appeal may not be taken IFP if the trial court certifies it is not taken in good faith. "Not taken in good faith" means "frivolous." *Ellis v. United States*, 356 U.S. 674, 674-75 (1958); *Hooker v. American Airlines*, 302 F.3d 1091, 1092 (9th Cir. 2002) (order) (equating "not taken in good faith" with "frivolous").

Because the court's ruling was clearly correct, it is **CERTIFIED** that this appeal is frivolous and therefore not taken in good faith. The clerk shall forthwith notify plaintiff and the court of appeals of this order. See R. App. P. 24(a)(4).

IT IS SO ORDERED.

Dated: March 29, 2012.


PHYLLIS J. HAMILTON
United States District Judge